

Application No.: 10/795,835

Attorney Docket No.: 030.P001

REMARKS

The current patent application has been reviewed in light of the Office Action, dated January 4, 2006, in which: Claims 1-29 were allowed, and claims 30-31 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Kraus, United States Patent No. 6,641,564 (hereinafter referred to as "Kraus"). Additionally, claim 32 was objected to as being dependent upon a rejected base claim. Reconsideration of the current application in light of the foregoing amendment and the following remarks is respectfully requested.

Claims 1-29, and 32 are currently pending. Claims 30 and 31 are currently canceled without prejudice or disclaimer. Applicant reserves the right to pursue other claims directed to subject matter of such cancelled claims in the future. Claims 33-37 were previously canceled. Claims 1-29 and 32 are currently amended. No new claims are added.

It is noted that the aforementioned 102(e) and 103(a) rejections are believed to be moot in light of the amendment and cancellation of claims. Applicant respectfully asserts that this claim cancellation, however, does not result in surrender of claimed subject matter or prosecution history estoppel because Applicant intends to file a Request for Continuing Examination with respect to those cancelled claims.

It is noted that claims 1-29 have been amended. Amendments to claims 1-29 are made without prejudice or disclaimer and have been made to more clearly delineate intended subject matter. Applicant believes that none of these claim amendments

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constitute narrowing amendments. In fact, some of these claim amendments are intended to be broadening amendments. Accordingly, Applicant does not intend to surrender claimed subject matter by submission of the above amendments and no prosecution history estoppel should apply.

It is noted that the Examiner objected to claims 32 as being dependent upon a rejected base claim. However, the Examiner also noted that the claims would be allowable if the limitations of the rejected base claim and all intervening claims were re-written in independent form. Claim 32 has been amended to be in independent form and is believed to import at least some of the subject matter of cancelled claims 30 and 31 deemed allowable. Applicant respectfully submits that claim 32 as amended is directed to allowable subject matter. It is therefore respectfully requested that the Examiner withdraw his objection with respect to this claim.

Applicant gratefully acknowledges that in paragraph 3 of the aforementioned office action that the Examiner determined claims 1-29 to be allowable over the documents of record.

Applicant respectfully submits that the amendments and cancellations address all of the Examiner's concerns and put the current patent application in condition for allowance.

It is noted, again, that in the current application, claims 30-31 are currently canceled and claims 1-29 and 32 have been amended. No new matter has been added.

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Claims 30-31 have been canceled without prejudice. The above amendments are made without prejudice or disclaimer. The Applicant respectfully submits that claims 1-29 and 32 are in condition for allowance.


Any amounts due may be charged to deposit account number 50-3130.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the current patent application as amended are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of the current patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

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